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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

VAGABUNDO COMPANY, INC. **Opposer** **v.** **CARIBBEAN DISTILLERS CORP.** **Applicant**	**OPPOSITION NUMBER:** APPLICATION SERIAL NO. 85169624 PUBLISHED: MAY 3, 2011 **MARK: DRACO RUM**

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NOTICE OF OPPOSITION

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

COMES NOW Vagabundo Company, Inc., through its undersigned attorney, and opposes the registration of the trademark DRACO RUM, application serial number 85169624, based on its prior ownership of the mark, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), and because said application infringes Mr. Draco C. Rosa's rights as a celebrity to use his name, likeness and persona as a trademark. Vagabundo Company believes it would be damaged by this application because it is likely to cause confusion, to cause mistake and/or to deceive the public as to the origin and/or endorsement of the Applicant's product, and respectfully alleges that the Caribbean Distillers lacked a bona fide intent to use the mark at the time of filing its application. Thus, Vagabundo Company respectfully states as follows:

I. STATEMENT OF FACTS

1. Vagabundo Company, Inc. (hereinafter "Vagabundo") is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico since March 29, 2010.

2. Mr. Draco C. Rosa is the President and one of the principal shareholders of Vagabundo Company, Inc.

3. Mr. Draco C. Rosa is an internationally renowned Puerto Rican performing artist, musician, singer-songwriter, actor and record producer. He is known and widely referred to as "*Draco*".

4. Vagabundo Company is an entity authorized by *Draco* to use his name and likeness in connection with certain products, including rum.

5. *Draco*, who began his career in the Latin boy band Menudo in 1984, has released 12 albums in his over twenty five-year career in the music industry. *Draco* is the recipient of various music industry awards, including the Grammy and Latin Grammy Awards. *Draco* is also well known as a songwriter and copyright holder. He is best known for his musical compositions for internationally famous performing artist Ricky Martin, whose recording of "Living la Vida Loca" was certified Platinum for sales over one million physical copies in the United States alone. *Draco* has also composed musical works for other performing artists, including Julio Iglesias and Ednita Nazario, among others.

6. *Draco* is the President and principal shareholder of Phantom Vox Corporation, an independent music label, recording studio and multimedia company. The web site for Phantom Vox is located at http://phvx.com/draco/, where, among other things, *Draco* posts updates on his albums, music career, business ventures, and his observations regarding current events. *Draco* has over 103,000 followers on Twitter.

7. Phantom Vox Corporation owns the trademarks DRACO ROSA, United States Patent and Trademark Office (USPTO) registration numbers 3620908 (class 9 for musical sound recordings) and 3644939 (class 25 for clothing).

8. *Draco* is also an entrepreneur. *Draco* owns an estate located in Utuado, Puerto Rico called

Hacienda Horizonte, from where he is engaged in all aspects of the gourmet coffee business. *Draco* currently sells his eponymous coffee under the trademark CAFÉ DRACO, serial number 77440193 (class 30 for coffee and class 21 for coffee mugs).

9. Vagabundo Company recently filed for the registration of the trademark DRACO in the USPTO in international class 31 (for fresh fruit and vegetables), class 32 (for fruit juice and beer), and class 33 (for vodka and distilled spirits), application serial number 85410247. Likewise, Vagabundo filed for the registration of the trademark HACIENDA HORIZONTE in international class 31 (for fresh fruit and vegetables) and class 32 (for fruit juice and beer), application serial number 85410252.

10. Thus, *Draco* is the owner of a family of various marks that are based on his fame and celebrity, many of which include his name DRACO as part of the trademark. Through substantial efforts and investment, *Draco* has established valuable goodwill in his name, likeness and persona.

11. In addition to the products described above, among *Draco*'s business ventures is the development of new rum products under the trademarks *Draco Rum* and *Draco's Ron Vagabundo*. Recently, Vagabundo Company filed applications for the registration of the trademark DRACO RON VAGABUNDO in international class 33, serial numbers 85387079 and 85387052.

12. On May 18, 2009, Phantom Vox filed an application for the registration of the trademark RON DRACO, serial number 77739456 in international class 33 (rum) based on its bona fide intent to use said trademark in commerce, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. §1051 (b). The word RON is translated into English as RUM. Because rum is a generic term, Phantom Vox included a disclaimer in the Miscellaneous Statement of its application.

13. The USPTO published the mark and issued a Notice of Allowance for RON DRACO on December 15, 2009.

14. Through no fault of his own, *Draco*'s application (filed by Phantom Vox) for RON DRACO was

abandoned on July 19, 2010. The application was abandoned because, due to an inadvertent mistake by counsel, Phantom Vox failed to file a timely *Extension to file the Statement of Use*.

15. Notwithstanding the above, during the year 2010, Vagabundo Company continued its efforts to produce and distribute its rum under the trademark RON DRACO, meeting with principal officers of various distilleries in Puerto Rico and in the United States. As part of its efforts, Vagabundo commissioned a graphic designer to create a logo and label for the rum bottles.

16. As part of these efforts, Mr. Luis Álvarez, the Vice President and one of the main shareholders of Vagabundo, held various telephone conversations and email communications with representatives from Applicant Caribbean Distillers. The principal subject of these conversations was the possibility of reaching a business agreement with Caribbean Distillers for the production and distribution of Draco Rum.

17. During the month of October 2010, Mr. Álvarez travelled to Orlando, Florida following an invitation from Applicant Caribbean Distillers, in order to inspect the facilities where the rum would potentially be produced and bottled and in order to further discuss the terms of the potential agreement to produce and distribute RON DRACO.

18. On November 4, 2010, Caribbean Distillers filed an application based on intent to use for the registration of the trademark DRACO RUM in international class 33, serial number 85169624. According to the applicant, the word "Draco" is translated into English as "Dragon".

19. Based on the DRACO RUM application, said mark has not yet been used in commerce within the United States. **Any use the Applicant has made or may make of the mark DRACO RUM is and will be without *Draco* and the Opposer's consent or permission.**

20. On April 18, 2011, Caribbean Distillers sent *Draco* and Vagabundo Company a "Term Sheet of Non-Binding Proposals for Draco Brand Liquor and Wine Joint Venture". In the section entitled

CAPITALIZATION of the Venture, Caribbean Distillers proposed that it would contribute "the Draco Rum intent to use application or registered trademark (if granted) for the duration of the Venture" and a total capital contribution of $700,000. On the other hand, according to the terms proposed by the Applicant, *Draco* and Vagabundo Company would contribute the following:

> An exclusive, fully paid-up, royalty-free, fully transferable, worldwide, irrevocable **license to use the artist's name ""Draco"" and the image and likeness of the artist known as Draco Rosa regarding the Products**, including the right to use, develop, produce, distribute, display, create and own derivative works from, reproduce, sublicense, approve and permit the use of his image and likeness for any commercial purpose related to the Products; **DRS (*Draco* Rosa Suarez) agreement and availability to act as spokesperson for the Product**, and exclusivity within the Products category;
> **DRS (*Draco* Rosa Suarez) agreement and acknowledgment of the license for his image and likeness**;
> DRS (*Draco* Rosa Suarez) free concerts, **time for the promotion of the Product**, and music for the Product's website and advertising and promotion; and
> Exclusivity of the Products in all and any music events where DRS (*Draco* Rosa Suarez) participates.
> (Emphasis added.)

21. Vagabundo Company sent Caribbean Distillers a cease and desist letter on April 26, 2011. In its letter, counsel emphasized that Mr. Draco C. Rosa owns and has reserved all rights relating to the commercial use of his name and likeness, including the exclusive right to exploit the trademark *Draco Rum*. In light of his interest that the matter be resolved quickly and amicably, *Draco* requested Caribbean Distillers to immediately withdraw the application serial number 85169624 and that Caribbean Distillers refrain from this or any further attempts to register the trademark DRACO RUM in its' name in order to resume the good faith joint venture negotiations between the parties.

22. Caribbean Distillers replied to Vagabundo's cease and desist letter on April 27, 2011. Among other issues, Caribbean Distillers recognized Draco's inherent rights to his name and likeness, but denied that the DRACO RUM trademark infringes these rights. As alleged by Caribbean Distillers, the adoption of the DRACO RUM trademark is "based on the concept of the dragon" and part of a

purported family of marks that includes "dozens of applications" that include the word DRAGON[1].

As stated in Caribbean Distillers' letter:

> The use of the DRACO RUM trademark will not reflect nor make any allusion to your client's image and likeness, for **it will not be depicted in the DRACO RUM product, unless the proposed joint ventured is entered by the parties**. (Emphasis added.)

23. Thus, Caribbean Distillers refused to withdraw its application for the trademark DRACO RUM.

24. The DRACO RUM trademark was published for opposition on May 3, 2011.

25. Vagabundo Company filed a timely *Request for Extension of Time to Oppose* on June 2, 2011 and a *60 Day Request for Extension of Time to Oppose for Good Cause* on June 30, 2011. On July, 1, 2011, the Trademark Trial and Appeals Board granted Vagabundo's request to extend time to oppose until 8/31/2011.

26. Vagabundo Company hereby opposes the registration of the trademark DRACO RUM in Caribbean Distillers' name based on its prior ownership of the mark, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), and because said application infringes *Draco*'s rights as a celebrity to use his name, likeness and persona as a trademark.

27. Use by Applicant of the mark DRACO RUM will be likely to cause confusion, mistake, or deception with Opposer's trademarks and will result in the erroneous belief by members of the public that Applicant's goods originate with, are associated with, sponsored by, or approved by *Draco* and the Opposer, in violation of, *inter alia,* Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

28. Finally, upon information and belief, Caribbean Distillers filed the DRACO RUM trademark

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[1] All of the trademark applications filed by Caribbean Distillers in class 33 based on intent to use that include the word DRAGON have been opposed by RGI Brands, Inc. RGI Brands is the owner and prior user of the mark DRAGON BLEU, registration numbers 3663357 and 3663356 in international class 33 for "Alcoholic Beverages, namely, Distilled Spirits, Cordials, and Liqueurs" (first use November 1, 2001).

application in bad faith, having seized the opportunity presented by Phantom Vox's unintentional abandonment of the trademark application for RON DRACO. As argued herein, Caribbean Distillers lacked a bona fide intent to use the trademark DRACO RUM in commerce at the time of filing the application. On the contrary, Caribbean Distillers actions are part of an aggressive business strategy directed to create an unfair advantage for the applicant in the negotiation of a potential joint venture with *Draco* and/or Vagabundo Company.

29. These dealings on behalf of Caribbean Distillers constitute acts of unfair competition and we respectfully argue should not be sanctioned by the United States Patent and Trademark Office.

II. ARGUMENT

A. The use of *Draco*'s name as a trademark; false designation of origin, unfair competition and likelihood to cause confusion pursuant to Section 43(a) of the Lanham Act.

30. As alleged herein, Mr. Draco C. Rosa is a well-known celebrity that owns the rights to exploit his name *Draco*, his likeness and persona, including the trademark DRACO RUM. *Draco* has not granted the Applicant his consent to register the trademark that bears his name.

31. It is well established that a celebrity may, in some circumstances, prevent others from using his name or likeness as a trademark. The right of publicity provides protection against misappropriation of a person's names or likeness for commercial purposes. If a celebrity can show that consumers are likely to be confused or mislead into believing that he has endorsed or somehow sponsored the defendant's product, this sort of false endorsement might also be actionable unfair competition pursuant Section 43(a) of the Lanham Act, 15 U.S.C. §1125[2]. See also *Gilson on Trademarks*, Sec. 2B.03 (2011).

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[2] 15 U.S.C. §1125:
(a) Civil action
(1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, **name**, symbol, or device, or any combination thereof, **or any false**

32. Section 2 of the Lanham Act, 15 U.S.C. §1052, states as follows:

> No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it—
> (...)
> **(c) Consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent**, or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow. (Emphasis added.)

33. In light of the above, a trademark registration may be refused if it falsely suggests a connection with a living person. Section 2(c) of the Lanham Act requires the express consent of a person before his name or portrait can be used in a trademark.

34. A person may oppose a federal trademark registration of a name or likeness that he finds will be associated with him and that has been filed without his consent. "And if the celebrity has used her name or image as a trademark, she could file a claim of trademark infringement." See *Gilson on Trademarks*, Sec. 2B.03 (2011). "The protection extends to famous people whether or not they have used or registered their name, portrait, signature or identity as a trademark." *Id.* at Sec. 2B-03 [2][d].

35. In the leading case Buffett v. Chi-Chi's, Inc. 226 USPQ 428 (TTAB 1985), the Trademark Trial and Appeal Board clarified the requirements in order to assert a claim of false suggestion of a connection. Following University of Notre Dame v. J.C. Gourmet, 703 F 2d. 1372, 217 USPQ 505 (Fed Cir. 1983), in Buffett the Board explained that a plaintiff asserting a claim of false suggestion

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designation of origin, false or misleading description of fact, or false or misleading representation of fact, which--
(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or
(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, **shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act**. (Emphasis added.)

of a connection must demonstrate: (1) that the defendant's mark is the same or a close approximation of plaintiff's previously used name or identity; (2) that the mark would be recognized as such; (3) that the plaintiff is not connected with the activities performed by the defendant under the mark; and (4) that the plaintiffs name or identity is of sufficient fame or reputation that when the defendant's mark is used on its goods or services, a connection with the plaintiff would be presumed. See also, In re Spanky's, Inc., 2003 TTAB Lexis 362 (serial number 75/492,749).

36. In the Buffet case, *supra* at pages 4-5, the Board applied the aforementioned requirements and stated:

> The starting point of our analysis on this issue rests with the opinion of the Court of Appeals for the Federal Circuit in *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co. Inc., 703 F.2d 1372, 217 U.S.P.Q. 505 (Fed. Cir. 1983),* aff'g *213 U.S.P.Q. 594 (TTAB 1982).* Judge Nies, writing for the Court, reviewed the legislative history and common law origins of Section 2(a) of the Lanham Act. As Judge Nies noted, **that portion of Section 2(a) respecting the "false suggestion of a connection" evolved out of, and embraced, the then nascent concepts of the rights of privacy and publicity. Because these rights protect an individual's control over the use of his "identity" or "persona", the elements of a claim of invasion of privacy and, consequently, of "false association", have emerged as distinctly different from the elements of a claim of trademark or trade name infringement**. See Notre Dame, id. at 509.

37. Further, the Board clarified that a party acquires a protectable interest in a name (or its equivalent) under Section 2(a) of the Lanham Act when the name claimed to be appropriated points uniquely and unmistakably to that party's personality or "persona". "A party's interest in such a name or designation does not depend for its existence on the adoption and use of a technical trademark. An opposer in a proceeding of this character may prevail even if the name claimed to be appropriated has never been commercially exploited by the opposer in a trademark or trademark analogous manner." Buffet, *Id.* at page 5. Finally, even though there may be no likelihood of confusion as to the source of the goods, under a theory of sponsorship or endorsement, an opposer's right to control the use of its identity may be violated. Buffet, *Id.* See also, Notre Dame, *supra* at 509.

38. Finally, the protection afforded by Section 2(a) is not strictly limited to the unauthorized use of a person's "name or likeness". See Carson et al. v. Here's Johnny Portable Toilets, Inc., 698 F.2d 831, 218 U.S.P.Q. 1 (6th Cir. 1983) and cases cited therein.

39. In the instant action, there is no doubt that the criteria set forth in the Buffet case is met: the Applicant's mark is identical to Opposer's previously used name and/or identity, the mark would be recognized as such and *Draco*'s name is of sufficient fame that, if Caribbean Distillers were to be allowed to use the DRACO RUM trademark, a connection with *Draco* would be presumed. As previously indicated, *Draco* has not granted the Applicant his consent and, at this point, no agreement has been reached between the parties with regards to the joint venture to produce and distribute the rum. Thus, there is no connection between the Opposer and the activities conducted by the Applicant under the DRACO RUM mark.

40. Finally, even though it is not required in order to prevail in a false suggestion of a connection claim, *Draco* has authorized Phantom Vox and Vagabundo Company as the sole entities allowed to register and actively use his name, likeness and persona as a trademark in connection with various goods and services.

41. The Applicant's use of the DRACO RUM trademark is likely to cause confusion, to cause mistake or to deceive, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052, which establishes that:

> No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it (...)
> (d) Consists of or comprises a mark which so resembles a mark registered in the Patent Office or a mark or trade name **previously used in the United States** by another and not abandoned, **as to be likely, when applied to the goods of the applicant to cause confusion, or to cause mistake or to deceive**. (Emphasis added)

42. In the seminal case *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563

(C.C.P.A. 1973), the Court listed the principal factors to be considered when determining whether there is a likelihood of confusion between two marks under Section 2(d) of the Trademark Act:

> (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
> (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
> (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
> (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
> (5) The fame of the prior mark (sales, advertising, length of use).
> (6) The number and nature of similar marks in use on similar goods.
> (7) The nature and extent of any actual confusion.
> (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
> (9) The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark).
> (10) The market interface between applicant and the owner of a prior mark:
> (a) a mere "consent" to register or use.
> (b) agreement provisions designed to preclude confusion, i. e. limitations on continued use of the marks by each party.
> (c) assignment of mark, application, registration and good will of the related business.
> (d) laches and estoppel attributable to owner of prior mark and indicative of lack of confusion.
> (11) The extent to which applicant has a right to exclude others from use of its mark on its goods.
> (12) The extent of potential confusion, i. e., whether *de minimis* or substantial.
> (13) Any other established fact probative of the effect of use.

43. As the Court pointed out, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *See In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

44. With regards to the DRACO RUM mark filed by Caribbean Distillers, if allowed to register, it is likely to cause confusion or to cause mistake with the previously used mark DRACO RON VAGABUNDO (serial number 85387052). Thus, the following of the *Du Pont* factors are the most relevant: similarity of the marks in their entireties as to appearance, sound, connotation and

commercial impression; similarity of the goods and/or services; similarity of trade channels of the goods and/or services; and the variety of goods on which the mark is used. *See also In re Opus One, Inc.*, 60 USPQ2d 1812 (TTAB 2001).

45. With regards to the similarity in the marks' appearance, sound, connotation and commercial impression, the word RUM is generic and must be disclaimed with regards to the goods in international class 33. According to the doctrine of foreign equivalents, the word "ron" must be translated into English as "rum". Thus, the salient part of the DRACO RUM and DRACO RON VAGABUNDO marks, i.e., the word DRACO, is identical. Thus, the marks are identical in their appearance, sound, connotation and overall commercial impression. Because Vagabundo Company is the prior user of the DRACO mark, the Application filed by Caribbean Distillers must be refused.

46. With regards to the second of the Du Pont criteria, both marks are for identical goods, namely, rum. Upon information and belief, the Applicants' goods would be sold in the same or similar type of commercial establishments and to the same prospective purchasers.

47. Finally, it is important to stress the fact that *Draco* has used his name as part of a family of trademarks on various goods and services, including musical sound recordings, clothing, and coffee, among others.

48. In light of the above, the Application must be refused because it is likely to cause confusion or to deceive the consuming public with regards to the origin or source of the products.

B. Caribbean Distillers lacked a bona fide intent to use the mark DRACO RUM in commerce at the time it filed application serial number 85169624.

49. In Smithkline Beecham Corp. v. Omnisource DDS LLC, 97 USPQ2d 1300 (2010), the TTAB found that the Applicant lacked a bona fide intent to use the applied for mark in commerce at the time it filed the application and, thus, refused to register the mark.

50. In the Smithkline Beecham case, the Applicant failed to produce documents relating to the

selection of the mark, as well as evidence regarding manufacturing efforts, licensing efforts, preparation of marketing plans or business plans and/or other actions to develop the product to be marketed under the applied for mark. "Evidence bearing on bona fide intent is "objective" in the sense that it is evidence in the form of real life facts and by the actions of the applicant, not solely by applicant's uncorroborated testimony as to its subjective state of mind." Smithkline Beecham, *Id* at page 1305.

51. In the instant action, Vagabundo Company is informed and on the basis of said belief alleges, that the Applicant Caribbean Distillers did not have a bona fide intent to use the trademark DRACO RUM - as defined by law and pertinent precedent - at the time it filed the application. On the contrary, the parties began negotiations with regards to a potential joint venture after the Opposer informed the Applicant of its plans to manufacture and distribute the rum product bearing *Draco's* name, which would benefit from the considerable goodwill associated with *Draco*'s persona. The Applicant seized the opportunity presented by Phantom Vox's unintentional abandonment of the trademark application for RON DRACO, as argued herein, as part of a business strategy directed to create an unfair advantage for the Applicant in the negotiation of a joint venture with *Draco* and/or Vagabundo Company.

III. Conclusion

52. Caribbean Distillers' claims that application serial number 85169624 is "based on the concept of the dragon", an application that was filed after sustaining conversations with *Draco* and Vagabundo's representatives for a potential joint venture and after having received the logo prepared by Vagabundo for the RON DRACO bottles, are disingenuous at best. It is the Opposers' belief that these allegations are a mere pretext that conceals the Applicant's true intentions, i.e., to profit from

Draco's considerable goodwill by falsely suggesting an association, endorsement or sponsorship with their rum product.

53. The conditions included in the *Term Sheet* drafted and sent by Applicant's counsel during the month of April, 2011, five months after filing the trademark application at issue, demonstrate that Caribbean Distillers lacked a bona fide intent to use the DRACO RUM trademark in commerce at the time of filing. Said documentation leaves no doubt that Caribbean Distillers was aware of *Draco*'s fame and that Applicant's intent has always been to use *Draco*'s name and likeness in connection with its rum, as well as to have *Draco* act as a spokesperson and promote the product.

54. In light of the above, Vagabundo Company opposes the registration of the DRACO RUM mark as filed by Caribbean Distillers based on its prior ownership of the mark and because said application infringes *Draco*'s rights as a celebrity to exploit his name, likeness and persona. Vagabundo Company believes it would be damaged by this application because the mark is likely to cause confusion, to cause mistake and/or to deceive the public as to the origin, sponsorship and/or endorsement of the product and respectfully alleges that the Applicant lacked a bona fide intent to use the mark at the time of filing its application. Finally, the Opposer believes it has been harmed by Applicant's acts of unfair competition.

WHEREFORE, Vagabundo Company, Inc. respectfully requests that the Applicants' DRACO RUM trademark application serial number 85169624 be refused and the Opposition contained herein be granted.

Respectfully submitted. On this 31st day of August, 2011.

CERTIFICATE OF SERVICE: It is hereby certified that on this day I sent notification to Counsel for the Applicant via First Class Mail at the following addresses:

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Notice of Opposition.
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PTO-2120 (Exp. 03/31/2014)
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Pleading

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